

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

AUSTAR INTERNATIONAL LIMITED,  
directly against and derivatively on behalf of  
AustarPharma LLC

Plaintiff,

v.

AUSTARPHARMA LLC

Defendant/Nominal Defendant,

RONG LIU and GUANGZHOU BRISTOL  
DRUG DELIVERY CO., LTD.

Defendants.

Civil Action

2:19-cv-08356(KM)(MAH)

*Document Filed Electronically*

Motion Day: March 15, 2021

**JOINT NOTICE OF MOTION AND MOTION FOR COURT APPROVAL  
TO VOLUNTARILY DISMISS CASE WITH PREJUDICE  
PURSUANT TO FED. R. CIV. P. 23.1(c) AND 41(a)**

PLEASE TAKE NOTICE that on March 15, 2021, or as soon thereafter as counsel may be heard by the Court, Plaintiff Austar International Limited (“Austar”), Defendants Rong Liu, Ph.D. (“Dr. Liu”) and Guangzhou Bristol Drug Delivery Co., Ltd. (“Bostal”) (collectively, “Defendants”), and Nominal Defendant AustarPharma LLC (“AustarPharma”), will and hereby do jointly move before the Honorable Kevin McNulty at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07102, for an Order, pursuant to Federal Rules of Civil Procedure 23.1(c) and

41(a), approving the voluntary dismissal with prejudice of this action against Defendants and Nominal Defendant AustarPharma.

PLEASE TAKE FURTHER NOTICE that on December 19, 2020, Austar, Dr. Liu, and AustarPharma executed a confidential Settlement Agreement, whereby, pursuant to various conditions, they agreed to settle a matter pending in the Guangzhou Intermediate People's Court of Guangdong Province, China (Case No.: (2019) Y01MC789); that, as of the date of this Motion, all Parties have confirmed that obligations imposed by the confidential Settlement Agreement that were necessary to permit dismissal of this action have been completed, and the Parties therefore jointly consent to the voluntary dismissal of this action; and that all shareholders of AustarPharma are parties to this Motion and to the confidential Settlement Agreement and are represented by counsel.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, the parties rely on the attached Statement, pursuant to L. Civ. R. 7.1(d)(4), which is incorporated by reference in herein.

PLEASE TAKE FURTHER NOTICE that the parties request that the Court enter the proposed Order attached hereto.

Dated: February 10, 2021

Respectfully submitted,

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/s/Stephen A. Loney, Jr.

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**CERTIFICATE OF SERVICE**

I, Stephen A. Loney, Jr., hereby certify that on February 10, 2021, I caused a true and correct copy of the foregoing Joint Notice of Motion and Motion for Court Approval to Voluntarily Dismiss Case With Prejudice Pursuant to Fed. R. Civ. P. 23.1(c) and 41(a) to be served, together with all materials in support thereof, on all counsel of record via the Court's electronic filing system.

/s/Stephen A. Loney, Jr.  
Stephen A. Loney, Jr.